



## The respondent has replied to my petition

What must I do?

If you have children, make sure you read leaflet **CB7 Guide for separated parents: children and the family courts** as well as this leaflet.

### What do I do with the copy of the respondent's (and any co-respondent's) form D10/D510 (acknowledgement of service)?

Check the answer the respondent (and any co-respondent) has given to the question 'Do you intend to defend the case?'.

If the answer is 'No' you can ask the court to consider whether you have grounds for a divorce/dissolution.

This is called 'applying for a decree nisi/conditional order'. A decree nisi is a document that says that the court doesn't see any reason why you can't divorce. For a couple ending a civil partnership, the first stage of the divorce is called 'the conditional order'.

### What should I do if the respondent (or any co-respondent) says they intend to defend the case?

Wait to see whether you receive a copy of the defence, (known as an 'answer'). The respondent (or co-respondent) must provide the court with the answer within 21 days after the time limit for giving notice of intention to defend expires, which is in turn seven **working days** after the petition was received by that person. (A 'working day' is any day that is not a Saturday, Sunday, Christmas Day, Good Friday or bank holiday.)

You should therefore wait for 29 days from the date that the respondent (or co-respondent) says they received your petition. However, this time period may be slightly longer if, for example, a bank holiday occurs between the date the petition was served and the end of the following 29 days.

If you do not receive a copy of the answer, within the above period, you can apply for your decree nisi/conditional order.

If you do receive a copy of the respondent's (or any co-respondent's) answer, you may want to ask a solicitor to help you.

## **How do I apply for a decree nisi/conditional order?**

You will need to complete form D84 and D80. Form D84 is the application for a decree nisi/conditional order or (judicial) separation decree/order. Form D80 is the statement in support. You can get these forms from any family court office or download them from [hmctsformfinder.justice.gov.uk](https://hmctsformfinder.justice.gov.uk)

There are five D80 statement forms - you need to use the one that covers the grounds you have given in your divorce/dissolution.

Form D80 is a statement that supports your application for a divorce/dissolution. It is verified by a statement of truth and all questions on the form must be answered. You must complete and sign the statement of truth at the end of the form. Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document verified by a statement of truth.

When form D80 has been completed and signed, send it to the court with the completed form D84. This is called 'entering your case in the undefended list'.

You must not return these forms to the court until nine days have passed since the respondent (and any co-respondent) say they received your petition.

## **What documents will I need to exhibit to the statement?**

You must provide documents which show:

- that the respondent (and any co-respondent) have received the application
- that the respondent (and any named co-respondent) admit to having committed adultery if this was a ground, and
- that the respondent consents to a divorce where the grounds are that you have lived apart for two years.

In almost all cases a copy of the form D10/D510 (acknowledgement of service) filled in and signed by the respondent will show all of these things. The form D10/D510 should be attached to the statement and marked as an exhibit in line with the instructions provided on the form.

## What will the court do with the forms D84 and D80?

Court staff will place the papers with your case file and pass it to the judge.

The judge will look at your petition and statement in support and decide if you can have a divorce/dissolution. You will not have to come to court when this is done.

## What will happen if the judge says I can have a divorce/dissolution?

The court will send you and the respondent (and any co-respondent) a form D84A (certificate of entitlement to a decree) or D584A (certificate of entitlement to an order).

Form D84A/D584A will tell you the time and date when the judge will grant your divorce/dissolution. This is called 'pronouncing the decree nisi/conditional order'. There is no need for you to come to court on that date. However, if you wish to be heard in relation to costs you must serve every party with written notice of your intention to attend at least 14 days before the pronouncement date.

A decree nisi/conditional order is the first of two decrees/orders you must have before you are finally divorced/your civil partnership is finally dissolved. The final divorce/dissolution will mean you are free to marry/enter into a civil partnership. Leaflet **D187 – I have a decree nisi/conditional order – what must I do next?** will tell you how to get your decree absolute/final order.

## What will happen if the judge says I cannot have a divorce/dissolution?

The court will send you form D79 (notice of refusal of District Judge's certificate).

The form will tell you why the judge has decided your case is not in order. In most cases, the court will need further information. You will be told what extra information is needed.

If the judge feels your case cannot be decided from the written information supplied, there may have to be a court hearing. This is called 'removing your case from the undefended list and entering it in the defended list'. You will have to come to the hearing. The hearing will take place in court.

If your case is entered in the 'defended list', you may want to ask a solicitor to help you. Leaflet **D187 – I have a decree nisi/conditional order – what must I do next?** will tell you how to get your decree absolute/final order.